

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 37 of 2020**

Ajay Kumar Patel S/o Late Bundram Patel, aged about 34 years R/o Village Chhote Devgaon Tah. Kharsiya, Distt. Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Police Station Punjipathara, Distt. Raigarh (C.G.).

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate
For Respondent	:	Ms. Hamida Siddique, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

08/06/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 111/2018 registered at police station – Punjipathara, Distt. Raigarh (C.G.) for the offence punishable under Section 420/34 of the Indian Penal Code.
3. In this case there are total 7 accused persons. According to the case of the prosecution, co-accused Yashwant and Sandeep went to the petrol pump of the Complainant and told them as Contractor of T.R.N Company, Tenda navapara. It is alleged that between 18/02/2017 to 02/03/2017, they borrowed 26300 liters of diesel amounting to Rs. 17 lakhs from the said petrol pump on the name of different persons. It is

alleged that thereafter the applicant obtained some diesel from co-accused Yashwant and thereby he also involved in crime in question. On the basis of report made by the Complainant, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that there is no direct or indirect evidence against the applicant, therefore, prima-faice no case is made out against the applicant. He further submits that the name of the applicant first time mentioned in the statement of co-accused Yashwant recorded under Section 91 of the Cr.P.C. He prays that the applicant may be extended the benefit of anticipatory bail.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties and further considering the fact there is no direct allegation against the applicant and it seems that the main accused are Yashwant and Sandeep, without further commenting on other merit of the case, I am inclined to release the applicant on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he

shall abide by all the following terms and conditions:

- i. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- ii. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul